

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 24-CR-30108
)	
MICHAEL OLIVER,)	
)	
Defendant.)	

MEMORANDUM & ORDER

DUGAN, District Judge:

This matter is before the Court for case management. On October 29, 2024, the Court held a hearing on Defendant Michael Oliver's Motion to Terminate Counsel and/or to Substitute Counsel. (Docs. 29, 36). At the hearing, the Court engaged Defendant in a *Faretta* colloquy. *Faretta v. California*, 422 U.S. 806, 835-36 (1975).¹ After conducting an extensive colloquy with the Defendant, the Court concludes that, despite the severity of the charge, the potential penalties, and his lack of expertise in the law, Defendant is making a "knowing and voluntary choice to forego counsel." *United States v. Jones*, 65 F.4th 926, 929 (7th Cir. 2023). Thus, although in the Court's view it is not a wise decision, the Court finds it appropriate to **GRANT** the Defendant's Motion to Terminate Counsel. (Doc. 29).

¹ Faced with a defendant insistent upon self-representation, a district court should make an inquiry to satisfy itself that the defendant is indeed competent to represent himself. See *Faretta*, 422 U.S. at 835-36 (1975); *United States v. Berry*, 565 F.3d 385, 386-87 (7th Cir. 2009) (noting that a court can be caught between a rock and a hard place when a defendant insists upon self-representation, but exhibits characteristics that cast doubt upon his ability to competently do so, and noting that in such a situation a district court acted appropriately by conducting a *Faretta* colloquy).

Consistent with this finding, the Court **ORDERS** as follows:

1. Assistant Federal Public Defender Dan Cronin is **TERMINATED** as counsel of record.
2. The Federal Public Defender's Office is **DIRECTED** to designate **STANDBY COUNSEL**. The Clerk's Office is **DIRECTED** to continue electronic service to the Federal Defender's Office so that standby counsel can stay informed in this matter.
3. The Clerk's Office is **DIRECTED** to begin sending any filings or orders directly to the Defendant.
4. The Clerk's Office is **DIRECTED** to reinstate the previously stricken motions – Doc. 21 (Motion to Dismiss Indictment) and Doc. 23 (Motion for Speedy Trial) – *nun pro tunc*.
5. The Government shall respond to the Motion to Dismiss Indictment (Doc. 21), Motion for Speedy Trial (Doc. 23), and Amended Motion to Dismiss Indictment (Doc. 37), on or before November 6, 2024.
6. Jury trial is **RESET** for **December 4, 2024, at 9:00 am** and the Final Pretrial Conference is **SET** for **November 21, 2024, at 10:00 a.m.**
7. With respect to the trial, the Court **SETS** the following deadlines:
 - a. The deadline for filing motions in *limine* is **Wednesday, November 13, 2024**. Responses to motions in *limine* shall be filed by **Wednesday, November 20, 2024**. The deadline for filing all other pretrial motions remains November 1, 2024. (See Doc. 27).
 - b. The parties shall submit their proposed jury instructions, in word format, and a joint statement of the case, via email to DWDpd@ilsd.uscourts.gov on or before **noon on Wednesday, November 20, 2024**.
 - c. The parties' exhibit lists (one in word format and one in excel format) shall be completed and submitted to the Court via e-mail (DWDpd@ilsd.uscourts.gov) or regular mail on or before **11:00 a.m. on Monday, November 25, 2024**. Templates for these lists are attached hereto as Exhibit A (JERS Exhibit List in Excel Format) and Exhibit B (Exhibit List Word Format).
 - d. The parties shall submit a completed witness list to the Court via e-mail (DWDpd@ilsd.uscourts.gov) or regular mail on or before **11:00 a.m. on**

Monday, November 25, 2024. A template for this list is attached hereto as Exhibit C.

- e. The parties shall comply with the Court's Trial Preparation Directives, attached hereto as Exhibit D.
- f. The Court **DIRECTS** standby counsel to assist Defendant in providing the Court with the requisite lists, jury instructions, and exhibits in the manner and format set forth in this Order and in the Court's attached Trial Preparation Directives (Exhibit D).

SO ORDERED.

Dated: October 30, 2024

/s David W. Dugan

DAVID W. DUGAN
United States District Judge